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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,121	02/27/2002	Hiroshi Tsuda	826.1792	3398
21171 7590 04/22/2008 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005				
EXAMINER				
NGUYEN, CINDY				
ART UNIT		PAPER NUMBER		
2161				
MAIL DATE		DELIVERY MODE		
04/22/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/083,121

**Applicant(s)**

TSUDA, HIROSHI

**Examiner**

CINDY NGUYEN

**Art Unit**

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 6-9, 22-26, 28-30, 32-34, 54 and 3739 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-9, 22-26, 28-30, 32-34, 3739 and 54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid.. Applicant's submission filed on 03/17/08 has been entered.

### ***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 6-9, 26, 28-30, 33, 34, 38, 39 and 54 are rejected under 35 U.S.C. 102(e) as being anticipated by Olstad et al. (US 20020032772, hereafter Olstad)

Regarding claims 1 and 26, Olstad discloses: a popularity degree calculation method and a computer-readable storage medium that stores a program, for calculating a popularity degree indicating the height of a popularity of a document in a network via an apparatus connected with the network, comprising:

extracting the document updated or newly collected during a first time period (i.e., periodically outputs data streams with information about new, updated or deleted documents... see paragraph 0078, Olstad);

calculating the popularity degree for one of the extracted documents during the first time period (see paragraphs 0079-0081, Olstad);

extracting a popularity degree from the calculated popularity degree during a second time period (see paragraphs 0081, 0082, Olstad);

calculating a popularity transition degree indicating both a direction and a degree of transition of the popularity degree for each of the extracted documents based on the popularity degree during the first time period and the second time period, to thereby obtain a difference indicating how the popularity degree of each of the documents changes in a time series order (see paragraphs 0080, 0081, 0108 and 0096-0099, Olstad).

Regarding claim 2, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Olstad discloses: wherein the popularity degree is calculated based on both a link relation of each of the extracted documents and document location information indicating a location in the network of each of the documents (see paragraphs 0083 and 0088, Olstad).

Regarding claim 3, all the limitations of this claim have been noted in the rejection of claim 2 above. In addition Olstad discloses: wherein the popularity degree is calculated based on features of a character string describing the document location information (see paragraph 0089, Olstad).

Regarding claims 6, and 28, all the limitations of these claims have been noted in the rejection of claims 1 and 26 above. In addition, Olstad discloses: further comprising: calculating a regression equation against a time of the popularity degree calculated during the second time period (see paragraph 0079, Olstad).

Regarding claims 7 and 29, all the limitations of these claims have been noted in the rejection of claims 6, and 28 above. In addition, Olstad discloses: wherein the popularity transition degree is calculated based on a regression coefficient of the regression equation (see paragraphs 0079, 0080, Olstad).

Regarding claims 8 and 30, all the limitations of these claims have been noted in the rejection of claims 7 and 29 above. In addition, Olstad discloses: further comprising determining transition tendency against the time of the popularity degree, based on an intercept of the regression equation (see paragraphs 0079, 0080, Olstad)

Regarding claim 9, all the limitations of this claim have been noted in the rejection of claim 6 above. In addition, Olstad discloses: further comprising: determining an order of each document in the extracted documents, based on the popularity degree calculated during the second time period (see paragraphs 0015, 0017, 0021, 0100. Olstad).

Regarding claim 33, all the limitations of this claim have been noted in the rejection of claim 1. It is therefore rejected as set forth above. In addition, Olstad discloses: collecting documents from the network (see paragraphs 0017, 0021, Olstad); retrieving the document meeting retrieval conditions from the collected documents, based on the retrieval conditions (see paragraph 0021, Olstad); ranking the retrieved documents, based on the popularity degree (i.e., document rank value ...see paragraph 0078, Olstad); and outputting information about the retrieved documents, based on the ranking result (i.e., ranking the search result, see paragraph 0079, Olstad).

Regarding claim 34, all the limitations of this claim have been noted in the rejection of claim 33 above. In addition, Olstad discloses: adding information about the popularity transition degree to information about the retrieved documents (i.e., outputs data streams with information about new, updated documents... see paragraph 0078, Olstad).

Regarding claim 38, all the limitations of this claim have been noted in the rejection of claim 33 above. In addition, Olstad discloses: receiving from a user registration of both document location information indicating location in the network of a specific document and a value (i.e., ...assign the document to a specific geographical location...0089, Olstad); notifying the user of the fact that a popularity degree has reached the value, when the popularity degree for the document specified by the document location information has reached the value (see paragraph 0089, Olstadl ).

Regarding claim 39, all the limitations of these claims have been noted in the rejection of claims 1, 26 and 33. In addition, Olstad discloses: retrieving the document meeting retrieval conditions from the collected documents based on the retrieval conditions ; ranking the retrieved documents, based on the popularity degree; and outputting information about the retrieved documents, based on the ranking result (see paragraphs 0015, 0017, Olstad).

Regarding claim 54, all the limitations of this claim have been noted in the rejection of claims 33 and 38. It is therefore rejected as set forth above.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22-25, 32 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olstad et al. (US 20020032772, hereafter Olstad) in view of "image retrieval by hypertext links", Sanderson M. et al. copyright 1997 ACM (hereafter Sanderson).

Regarding claim 22, all the limitations of these claims have been noted in the rejection of claim 1. In addition, Olstad discloses: extracting a tag that is contained in each of the extracted documents and designates user input (see paragraphs 0054, 0059, 0060, Olstad). However, Olstad didn't disclose: judging the type of the service provided by each of the documents, based on the tag that designates user input. On the other hand, Sanderson discloses: judging the type of the service provided by each of the documents, based on the tag that designates user input (i.e., web browser and typically consists of formatted text, images, fill out forms, table, anchors to other parts of the same document and links to other HTML documents...images are referenced in a page via a URL link, see page 298, section 2.2.1, 1<sup>st</sup> paragraph, Sanderson). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include judging the type of the service provided by each of the documents, based on the tag that designates user input in the system of Olstad as taught by Sanderson. The motivation being enable to gather relevance judgments, hypermedia links are used to calculate an approximation to the content of a non-textual node by using clustering techniques.

Regarding claim 32, all the limitations of these claims have been noted in the rejection of claim 31 and 22. In addition, Sanderson discloses: judging whether a



second document linked to by the first document is a non-text document related to contents of the first document (i.e., web collection is to identify the documents in the collection and their links, a web crawler was used to scan a set of image collections and store for each image, the text of page linked to that image via one or two step links, see page 297, 2<sup>nd</sup> column, section 2.2, lines 31-35, Sanderson), based on whether the second document is used a prescribed number of times or more in the first document (i.e., the text is broken up into three sections: image caption, neighboring image captions and one step link text, see page 298, section 2.2.1 lines 17-26, Sanderson). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include the document is a non-text document related to contents of the first document, based on the link relation in the system of Olstad as taught by Sanderson. The motivation being enable to gather relevance judgments, hypermedia links are used to calculate an approximation to the content of a non-textual node by using clustering techniques.

Regarding claim 23, all the limitations of this claim have been noted in the rejection of claim 22 above. In addition, Olstad/Sanderson discloses: further comprising: determining that the document provides no service, if the document includes no tag designating user input (i.e., indicated by <p> or <br> tags, page 298, section 2.2.1, lines 17-21, Sanderson).

Regarding claim 24, all the limitations of this claim have been noted in the rejection of claim 22 above. In addition, Olstad/Sanderson discloses: wherein the service type provided by the document is judged based on the description of a button included in the document (i.e., images denoting that page is new or under construction, images that are used as paragraph separator indicators of list of elements, navigational buttons, user to help the user navigate to the next page..., see page 298, section 2.2.2 and fig. 4, Sanderson).

Regarding claim 25, all the limitations of this claim have been noted in the rejection of claim 22 above. In addition, Olstad/Sanderson discloses: wherein the service type provided by the document is judged based on a user input area included in the document (i.e., functional images are used to give structural and navigational information to the reader, see page 298, section 2.2.2 and fig. 4, Sanderson).

Regarding claim 37, all the limitations of this claim have been noted in the rejection of claims 33, 22 and 23. It is therefore rejected as set forth above.

#### Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 571-272-4025. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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